

**REMARKS**

In the Restriction Requirement, the Examiner required restriction to one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1-42, drawn to a method, classified in class 427, subclass 202.
- II. Claims 43-54, drawn to an article, classified in class 428, subclass 403.

The Examiner stated that Groups I and II, related to the process of making and the product made are distinct because “the process as claimed can be used to make another and materially different product that does not have to be a biologically active [agent].”

Applicants respectfully *traverse* the foregoing Restriction Requirement and submit that the requirement is improper. Applicants believe that Group I as categorized by the Examiner as class 427, subclass 202, is more appropriately classified as class 424. Class 427 relates specifically to coating processes, and class 424 relates to drug, bio-affecting and body treating compositions. The claims in Group I relate to methods for preparing injectable body treating compositions, which falls under class 424. Applicants believe that Group II as categorized by the Examiner as class 428, subclass 403, is more appropriately classified as class 424, as well. Class 428 relates to stock materials or miscellaneous articles, whereas the claims in Group II relate to the body treating compositions as prepared by the claims in Group I. Products and process of making such products are typically grouped together and are not recognized as divergent subject matter. Accordingly, Applicants submit that the process of Group I and the composition of Group II should be rejoined as a single group containing claims 1-54 (referred to hereinafter as “*newly formed Group I*”). Applicants respectfully submit that newly formed Group I encompasses a reasonable number of embodiments and searching same would not placing a serious burden on the Examiner.

CONCLUSION

In view of the above remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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